

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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KRISTEN KING

Plaintiff,

Index No. 1:19-cv-00077-GWC

v.

**DECLARATION**

ARAMARK SERVICES, INC.

Defendant.

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JOSEPHINE A. GRECO, Esq. declares under the penalty of perjury under the laws of the United States of America that the following is true and correct:

1. I am a member of the law firm of Greco Trapp, PLLC, attorneys for Plaintiff, Kristen King (hereinafter “Plaintiff”) in the above action.

2. I make this Declaration in opposition to the FED. R. CIV. P. 12(b)(6) partial Motion to Dismiss of Defendant, Aramark Services, Inc. (hereinafter “Defendant”).

3. On January 14, 2019, Plaintiff commenced this action against Defendant in the Western District of New York, alleging causes of action sounding in gender-based discrimination, hostile work environment, and retaliation. *See* Dkt. 1. Defendant then filed this pre-answer Rule 12(b)(6) motion seeking dismissal of Plaintiff’s New York State Human Rights Law, discrimination, and hostile work environment causes of action.

4. Plaintiff’s Complaint, which is incorporated by reference herein, sufficiently alleges the causes of action that Defendant moves to dismiss; therefore, Defendant’s motion should be denied in its entirety.

5. Specifically, and as more fully set out in Plaintiff’s Memorandum of Law, which is incorporated by reference herein: (1) Defendant’s Rule 12(b)(6) motion should be denied because

the Complaint's allegations allow for the plausible inference that the New York State Human Rights Law provides Plaintiff a private cause of action against Defendant. (2) Defendant's Rule 12(b)(6) motion should be denied because the Complaint alleges substantial facts supporting the inference that Defendant was motivated by discriminatory intent. And (3) Defendant's Rule 12(b)(6) motion should be denied because the Complaint alleges substantial facts supporting the inference that Defendant subjected Plaintiff to a severe or pervasive hostile work environment because of her sex.

**WHEREFORE**, Plaintiff respectfully requests that this Court grant of Order denying Defendant's FED. R. CIV. P. 12(b)(6) partial Motion to Dismiss in its entirety, together with such other and further relief as the Court deems just and proper.

Dated: Buffalo, New York  
April 5, 2019

s/Josephine A. Greco  
Josephine A. Greco, Esq.